

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARCHIE LEE GATES,)	
)	
Plaintiff(s),)	No. C10-0972 BZ
)	
v.)	BRIEFING ORDER
)	
CARQUEST CORPORATION,)	
)	
Defendant(s).)	
)	
)	

Having received defendant's motion to transfer, for summary judgment, and to dismiss the complaint, **IT IS ORDERED** as follows:

1. Any opposition to defendant's motion shall be filed by **May 26, 2010**. Any reply shall be filed by **June 2, 2010**.

2. The motion is scheduled to be heard on **June 16, 2010 at 10:00 a.m.**, in Courtroom G, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

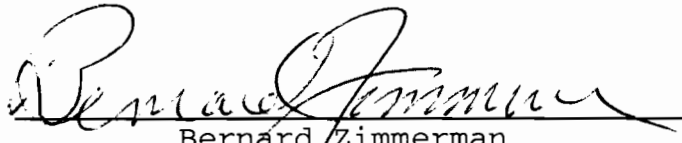
3. If plaintiff decides to proceed with this case without an attorney, he may wish to consult a manual the Court has adopted to assist *pro se* litigants in presenting their case. This manual is available in the Clerk's Office and

1 online at **<http://www.cand.uscourts.gov>**. Alternatively,
2 attached is information about the Volunteer Legal Services
3 Program's Legal Help Center for pro se litigants. The Court
4 suggests that plaintiff make an appointment with the Center.

5 Plaintiff is advised that "[a] motion for summary
6 judgment under Rule 56 of the Federal Rules of Civil Procedure
7 will, if granted, end your case. Rule 56 tells you what you
8 must do in order to oppose a motion for summary judgment.
9 Generally, summary judgment must be granted when there is no
10 genuine issue of material fact--that is, if there is no real
11 dispute about any fact that would affect the result of your
12 case, the party who asked for summary judgment is entitled to
13 judgment as a matter of law, which will end your case. When a
14 party you are suing makes a motion for summary judgment that
15 is properly supported by declarations (or other sworn
16 testimony), you cannot simply rely on what your complaint
17 says. Instead, you must set out specific facts in
18 declarations, depositions, answers to interrogatories, or
19 authenticated documents, as provided in Rule 56(e), that
20 contradict the facts shown in the defendant's declarations and
21 documents and show that there is a genuine issue of material
22 fact for trial. If you do not submit your own evidence in
23 opposition, summary judgment, if appropriate, may be entered
24 against you. If summary judgment is granted, your case will
25 be dismissed and there will be no trial." Rand v. Rowland,
26 154 F.3d 952, 963 (9th Cir. 1998). Under Rule 56(f), if
27 plaintiff needs more time to prepare affidavits or take
28 discovery to oppose this motion, he shall notify the court.

1 If after reading the motion, plaintiff believes he has sued
2 the wrong company, he should consider filing suit against the
3 appropriate party in San Diego.

4
5 Dated: May 7, 2010

6 
7 Bernard Zimmerman
8 United States Magistrate Judge

9 G:\BZALL\BZCASES\GATES V. CARQUEST\SCHED ORD.wpd
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28